

CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, 234/4 A.J.C Bose Road Nizam Palace Kolkata

ORDER SHEET

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COURT NO. : 1

27.08.2018

O.A./350/668/2018

M.A./350/350/2018

(SB)

ITEM NO:3

FOR APPLICANTS(S) Adv. :

PUSPA RANI MAKHAL & ANOTHER

-V/S-

EASTERN RAILWAY

Mr.A.Chakraborty

FOR RESPONDENTS(S) Adv.:

Notes of The Registry	Order of The Tribunal
	<p>Heard Mr. A.Chakraborty, Ld. Counsel for the applicant.</p> <p>2. M.A.No. 350/2018 fled for joint prosecution of this case is allowed and disposed of.</p> <p>This O.A. has been filed under Section 19 of the Administrative Tribunals Act, 1985 with the following prayers:</p> <p style="padding-left: 40px;">“8.(i) Office Order dated 20.08.2012 issued by the Senior Divisional Personnel Officer, South Eastern Railway, Kharagpur, cannot be sustained and same may be quashed.</p> <p style="padding-left: 40px;">(ii) An order do issue directing the respondents to grant appointment in favour of applicant no. 2 on compassionate ground in the right of the judgment passed in WPCT 249 of 2016.</p> <p style="padding-left: 40px;">(iii) Leave may be granted to file this Original Application jointly under Rule 4(5)(a) of the CAT Procedure Rule.”</p> <p>3. The case of the applicant, in short, is that the husband of the applicant no. 1 was working as Technician under SSE (C&W), Santragachi. Unfortunately he died on 10.12.2011 while he was in service. The applicant no. 2 is son of the applicant no. 1.</p> <p>4. The applicant no.1 applied for appointment on compassionate ground in favour of her youngest son but the said application was rejected by Senior Divisional Personnel Officer vide Office order dated 26.08.2012 on the ground that it is not a fit case to consider since the certificate as produced has not been established as genuine by the investing authority.</p> <p>5. The applicant states that the Hon'ble High Court in WPCT 240 of 2016 referred on judgment passed by the Division Bench in WPCT 239 of 2013 wherein it is observed that the respondent no. 2 cannot be penalized for the eldest son of the deceased employee. The Hon'ble High Court in WPCT 249 of 2016 upon dealing with all factual findings and does not</p>

find any error in the order passed by the Hon'ble Tribunal as the order stands fortified with cogent reasons.

6. Mr. Chakraborty, Ld. Counsel for the applicant, submitted that ventilating their grievance the applicant No.1 has made a representation on 13.02.2018 (Annexure-A/3), which is stated to be pending with Respondent No.3 for consideration. Ld. Counsel for the applicant submitted that the grievance of the applicant may be redressed if a specific direction is given to Respondent No.3 to consider the said representation under Annexure-A/3 within a specific time frame.

7. Taking into account the submissions made by Mr. A.Chakraborty, I do not think that it will be prejudicial to either of the sides if this O.A. is allowed to be disposed of. Accordingly, without going into the merit of the matter, we dispose of this O.A. by directing Respondent No.3 to consider the representation as at Annexure-A/3 dated 13.02.2018, if any such representation has been preferred and is still pending consideration, and pass a reasoned and speaking order within a period of six weeks from the date of receipt of copy of this order.

8. Although, I have not expressed any opinion on the merit of the matter and all the points raised in the representation, stated to have been made and is still pending consideration before Respondent No.3, will be considered as per Rules and Regulations in force, still then we hope and trust that if after such consideration applicant's grievance is found to be genuine then expeditious steps may be taken by the Official Respondents to redress their grievance within a further period of six weeks therefrom. However, I also make it clear that if in the meantime the said representation under Annexure-A/3 has already been considered and disposed of then result of the same be communicated to the applicant within a period of two weeks from the date of receipt of this order.

9. With the aforesaid observation and direction, this O.A. stands disposed of. No costs.

10. As prayed for by Ld. Counsel for the applicant, copy of this order along with paperbook be transmitted to Respondent No.3 by Speed Post for which he undertakes to deposit the cost with the Registry by 03.09.2018.

11. Free copies of this order be handed over to the Ld. Counsels for both the sides.


(A.K. PATNAIK)
MEMBER (J)